

against the Elk Manufacturing Co., a corporation, Jellico, Tenn., alleging shipment by said company, in violation of the food and drugs act, on or about February 3, 1930, from the State of Tennessee into the State of Georgia, of a quantity of fluidextract of ginger that was adulterated and misbranded. The article was labeled in part: (Bottle) "Fluid Extract Ginger U. S. P. Alcohol 83 percent By Volume \* \* \* Distributed by Elk Mfg. Co. Jellico, Tenn."

It was alleged in the information that the article was adulterated in that it was sold under and by a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia official at the time of investigation, since it contained rosin and phenolic compounds which are not mentioned in the pharmacopoeia as constituents of fluidextract of ginger, and the standard of strength, quality, and purity of the article was not declared on the container thereof. Adulteration was alleged for the further reason that the strength and purity of the article fell below the professed standard and quality under which it was sold, since it was represented to conform to the United States Pharmacopoeia and to contain 83 per cent by volume of alcohol, whereas it did not conform to the test laid down in the pharmacopoeia, and contained less than 83 per cent of alcohol by volume, namely, 76.55 per cent of alcohol by volume.

Misbranding was alleged for the reason that the statements, "Fluid Extract Ginger U. S. P." and "Alcohol 83 percent By Volume," appearing on the label, were false and misleading, since the article was not fluidextract of ginger which conformed to the standard prescribed by the pharmacopoeia, and contained less than 83 per cent of alcohol. Misbranding was alleged for the further reason that the label of the article failed to bear a statement of the quantity and proportion of alcohol contained in the article, since the statement made was incorrect. Misbranding was alleged for the further reason that the article was composed in part of rosin and phenolic compounds prepared in imitation of fluidextract of ginger U. S. P., and was offered for sale and sold under the name of another article, namely, fluidextract of ginger, U. S. P.

On February 4, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**19506. Misbranding of Stillman's douche powder. U. S. v. One hundred and twenty 6-Ounce Packages, et al., of Stillman's Douche Powder. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 27238. I. S. Nos. 37010, 37011, 37012. S. No. 5397.)

Examination of a drug product, known as Stillman's douche powder, disclosed no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed for it in a circular shipped with the article.

On December 11, 1931, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of one hundred and twenty 6-ounce packages and fifty-eight 12-ounce packages of the said Stillman's douche powder at Dallas, Tex., alleging that the article had been shipped by the Stillman Co., from Aurora, Ill., on or about May 12, 1931, and had been transported from the State of Illinois into the State of Texas, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of boric acid, zinc sulphate, and a small proportion of zinc phenolsulphonate. Bacteriological examination showed that the article was not antiseptic in the dilutions recommended for its use.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the circular were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: "It is especially prepared \* \* \* for the treatment of Leucorrhea, Vaginitis, Pruritus, Vaginal and all Muco purulent discharges from the female genital canal; and is a great aid in preventing infection. \* \* \* For the treatment of the above mentioned discharges use one tablespoonful of Stillman's Douche Powder to each quart of warm water, stirring if necessary. If the discharge is effusive it is often advisable to douche three times a day."

On June 17, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**19507. Misbranding of Pratts N-K nicotine and kamala tablets. U. S. v. 23 Packages, et al., of Pratts N-K Nicotine & Kamala Tablets. Default decree of condemnation, forfeiture, and destruction. (8220-A, 8221-A, 8222-A, 8223-A. F. & D. No. 28429.)**

Examination of a drug product, known as Pratts N-K nicotine and kamala tablets, from the shipment herein described having disclosed no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed in the labeling, the Secretary of Agriculture reported the matter to the United States attorney for the District of New Jersey.

On June 22, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 34 packages, adult size, and 32 packages, chick size, of Pratts N-K nicotine and kamala tablets, remaining in the original unbroken packages at Camden, N. J., alleging that the articles had been shipped by the Pratt Food Co., from Philadelphia, Pa., on or about May 23, 1932, and had been transported from the State of Pennsylvania into the State of New Jersey, and charging violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of kamala and tobacco.

It was alleged in the libel that the article was in violation of the food and drugs act, section 8, paragraph 3, as amended, under drugs, in that the following statements appearing in the labeling, regarding the curative or therapeutic effect of the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "For Tape \* \* \* Worms of Poultry \* \* \* for individual treatment of poultry infested with tape \* \* \* worms;" (circular) "Don't Let Worms Kill Your Hens! [Cut showing picture of tapeworms] \* \* \* Full, Therapeutic Dose of Fresh, Potent Kamala and Nicotine Kills the Worms \* \* \* Here in the Intestines the Kamala and Nicotine Kills The Worms \* \* \* Solving The Worm Problem \* \* \* There is no simpler, safer, surer and quicker way to treat fowls for worms than by the use of Pratts N-K Capsules \* \* \* Pratts N-K Capsules. \* \* \* Get the Worms."

On August 2, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**19508. Adulteration and misbranding of ether. U. S. v. Keene Chemical Co. (Milton Elias Co., Harold Surgical Corporation). Plea of guilty. Fine, \$2,000. (F. & D. No. 26535. I. S. Nos. 01378, 01379, 03930, 03958, 019565, 019567, 019568, 021651.)**

This action was based on five separate interstate shipments of ether. Samples examined were found to contain excessive nonvolatile matter; peroxide and aldehyde, not normal constituents of ether, also were found; samples from all consignments were found to contain acid in excess of the amount permitted by the United States Pharmacopoeia. Investigation showed that the article was a part of a lot of ether purchased from the Government as surplus Army stores, the Government having required the purchaser to execute a bond conditioned that it would be used otherwise than for purposes of anaesthesia, and in some manner whereby its deteriorated condition would not endanger human life. The article was shipped under its original label as ether for anaesthesia.

On September 16, 1931, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Keene Chemical Co., a corporation organized under the laws of the State of New York, and having an agent at Bayway, N. J. The information charged shipment by said company by means of its duly authorized agents, of the following consignments of ether which was adulterated and misbranded in violation of the food and drugs act: On or about July 8, 1929, from Bayway, N. J., into the State of Georgia; on or about July 29 and July 30, 1929, in the name of the Milton Elias Co., from Bayway, N. J., into the State of Minnesota;